EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bennett Berson on April 16, 2009.

The application has been amended as follows:

In the claims:

The claims have been amended as detailed in the attached set of amended claims.

2. The following is an examiner's statement of reasons for allowance:

An appeals conference was held with SPEs Eileen O'Hara and Gary Nickol, and it was decided that the rejections of claim 29 under 35 USC 103 and obviousness-type double patenting would be dropped. This is because even if a person of ordinary skill in the art would have been motivated to administer anti-PLA_2 antibodies at a dosage higher than that disclosed in the prior art, the ordinary artisan would not have expected that such an administration would improve body weight uniformity. The consensus was that the higher dosage led to an unexpected result, and that this unexpected result is sufficient to overcome a finding of obviousness. Note that the highest dosage disclosed in the prior art is 0.5 g/Kg whereas the minimum dosage recited in claim 29 is 0.6 g/kg. Since the rejection of claim 29 was being dropped, the examiner contacted applicant to see if applicant wished to amend the other pending claims to recite the dosage limitations of claim 29 such that all of the pending claims would be found allowable. Applicant decided to make all pending claims dependent upon claim 29, and has supplied the text of the claim set that accompanies this office action at the request of the examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Szperka whose telephone number is (571)272-2934. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on 571-272-0878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Szperka, Ph.D.
Primary Examiner
Art Unit 1644

/Michael Szperka/
Primary Examiner, Art Unit 1644

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1-28. (Canceled)

29. (Previously presented) A method for improving body weight uniformity in a target group of animals, the method comprising the step of administering orally to said target group of animals along with diet an egg yolk powder containing anti-phospholipase A_2 (anti-PLA_2) antibodies in an amount sufficient to improve body weight uniformity wherein the ratio of the egg yolk powder to the diet by weight is from 0.6 g/kg to 2.4 g/kg.

30. (Currently amended) The method of claim 29, wherein the amount of anti-phospholipase A_2 (anti-PLA_2) antibody in the egg yolk powder administered orally along with diet is an amount sufficient to improve body weight uniformity by at least 0.5 as measured by a decrease in the coefficient of variation for body weights of the group of animals.

31. (Currently amended) The method of claim 30, wherein the amount of anti-phospholipase A_2 (anti-PLA_2) antibody in the egg yolk powder administered orally along with diet is an amount sufficient to decrease the coefficient of variation by at least 0.8.

32-34. (Canceled)

35. (Currently amended) The method as claimed in claim 29, wherein the animals are selected from avians and mammals.

36. (Previously presented) The method as claimed in claim 35, wherein the avians are selected from chickens, turkeys, ducks, pheasants, geese and quail.

37. (Previously presented) The method as claimed in claim 35, wherein the mammals are selected from swine animals, bovine animals, ovine animals and caprine animals.

38. (Canceled)

39. (Currently amended) The method of claim 29, wherein the target group of animals is a group of chickens.

40. (Currently amended) The method of claim 29, further comprising the step of measuring body weight uniformity in said target group of animals.